

FISCAL IMPACT STATEMENT ON BILL NO. **S.429, Senate Amendment**

(Doc. No. jud0429.004)

TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Allan Kincaid, Beth Quick, Ken Brown, Rodney Grizzle, and Earle Powell		
DATE:	April 24, 2008	SBD:	2008257

AUTHOR:	Senator Malloy	PRIMARY CODE CITE:	17-28-10
SUBJECT:	Access to Justice - Post-Conviction DNA Procedures Act		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
A Cost to Federal and/or Other Funds (See Below)

BILL SUMMARY:

Senate Bill 429, as amended, would allow a person convicted of a criminal offense to apply, at any time after conviction or adjudication, to the courts for DNA testing of any biological material.

EXPLANATION OF IMPACT:

Attorney General's Office

The Office reports that it would require 17.00 new FTEs for 10.00 Attorneys, 1.00 Investigator, and 6.00 support staff at an annual cost to the General Fund of \$994,310 for salary, fringe and other operating expenses. There would be non-recurring cost to the General Fund of \$232,100 for startup expenses. The agency expects to also spend \$395,424 on Post Conviction Relief transcripts per year in General Funds.

Commission on Indigent Defense

The Commission indicates that it currently spends approximately \$650,000 annually on Post Conviction Relief (PCR) efforts. PCR expenses are paid from Other Funds revenue. The Commission anticipates PCR requests may double upon enactment. Therefore, the agency expects other funds expenditures could increase by \$650,000 annually.

Prosecution Coordination Commission

The Commission indicates the Bill will have an impact on the State General Fund expenditures. However, the agency indicates it does not have sufficient data upon which to base an estimate. Court rulings, as yet to be made under the Bill's provisions, would be a major factor in determining the cost to the agency.

Department of Public Safety

The Department indicates this Bill will have a minimal impact on expenditures associated with additional storage space requirements for "DNA" type evidence. However, the agency anticipates such costs can be absorbed within existing resources.

Department of Corrections

The Department indicates that this Bill will have a minimal impact on the expenditures for the collection of DNA materials and the storage of evidence as required by the legislation. However, the agency anticipates that the identified costs can be absorbed by the agency at the current level of funding.

Other Agencies

The Department of Juvenile Justice, the Judicial Department and SLED each indicate this Bill will have minimal impact to their agencies which can be absorbed within existing resources

Recapitulation

In summary the first year cost to the General Fund of the State is approximately \$1.4 million plus non-recurring cost of \$232,100. This does not include any potential cost to the Prosecution Coordination Commission. Other funds expenditures for the Commission on Indigent Defense are expected to increase by as much as \$650,000 annually.

LOCAL GOVERNMENT IMPACT:

The FIST network of local governments was surveyed to determine the impact of this Bill. Three municipalities responded with little or no impact. Responses from county governments are pending.

SPECIAL NOTES:

None.

Approved by:

A handwritten signature in black ink that reads "Harry Bell". The signature is written in a cursive, flowing style.

Harry Bell
Assistant Director, Office of State Budget